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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/799,412

Applicant(s)

JAWA ET AL.

Examiner

MIRANDA LE

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 10 February 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-6 and 23-45 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-6 and 23-45 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-8508)
Paper No(s)/Mail Date 02/10/09
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date _____
- 5) ☐ Notice of Informal Patent Application
- 6) ☐ Other: _____

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114.

Applicant's submission filed on 02/10/09 has been entered.

This communication is responsive to Amendment, filed 02/10/2009.

Claims 1-6, 23-45 remain pending in this application. This action is made non-Final.

Claim Rejections - 35 USC § 101

The rejection of claims 30, 31 by 35 U.S.C. §101 has been withdrawn in view of the amendment.

Information Disclosure Statement

Applicants' Information Disclosure Statement, filed 02/10/09, has been received, entered into the record, and considered. See attached form PTO-1449.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless:

(e) the invention was described in

(1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or

(2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

Claims 1-6, 23-45 are rejected under 35 U.S.C. 102(e) as being anticipated by Drosset et al. (US Patent No. 6,662,231).

Drosset anticipated independent claims 1, 30-32, 41, 42 by the following:

As to claims 1, 32, Drosset teaches a method/computer readable storage medium of retrieving digital media comprising:

querying a server for database enumeration (*i.e. the table includes a Play Count indicating the number of times that the audio file has been played out to a user, a Play-out Time value that indicates the duration of time that the audio file has been played out, an alphanumeric Owner ID to identify the owner of the audio file, col. 4, lines 32-44; User ID, Audio ID value Audio ID1, See Figs. 6, 7, 12, 15, 18*);

receiving a response to the database enumeration query that includes at least information about at least one digital media database, wherein the

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information about the at least one digital media database includes at least metadata about one or more remote records within the at least one digital media database (*i.e. Alternatively, a user can review playlists, such as albums or predetermined mixes of audio tracks, defined by a service provider operating the server or by another user and select songs. The user reviews a playlist presented in a window of the user interface and clicks on an icon for a song in the playlist. In a manner similar to that described above, the song may begin to play-out and the user is prompted to add the song to a playlist. If the user chooses to add the song, then the user is prompted for a playlist name. The system then adds the audio ID for the song to the identified playlist, col. 7, lines 20-30*), and wherein the one or more records pertain to one or more of digital media, digital media metadata or media collection data (*i.e. The present invention is directed toward a subscriber-based service for providing audio files to a client device connected to a server through a network, such as a wide area network. The server has access to user data and audio data files stored in a memory system, such as a database. A user requesting service from the server is validated to ensure that the user is a subscriber. The user may then request streaming or download of audio data files or customized playlists from the server. Metrics for play-out of each audio file, such as duration of play-out or number of play-outs, are maintained for the audio files and used to allocate payment of royalties or license fees to owners of rights in the audio files, such as copyrights or phonograph rights. The user may also maintain and modify customized*

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playlists through the server and send playlists to other users, col. 2, lines 38-52,

See Figs. 6, 7, 12, 15, 18);

querying the server (i.e. User ID, Audio ID value Audio ID1, See Figs. 6, 7, 12, 15, 18) for information required to populate one or more local records associated with the metadata after receiving the metadata (i.e. There are many different ways that a user can search for and find music to populate a playlist according to the present invention. For example, a user may add to a playlist a song that is currently being streamed out to the user. To begin, a user clicks on an icon in order to create new playlist or select an existing one. A window appears at the user interface prompting the user to name the playlist. The user's selection is turned into a playlist ID and entered into a data entry for the user or, if it already exists, retrieved from the data entry. The user then clicks on another icon to select the song that is currently playing and the server adds the audio ID for the song to the selected playlist, col. 7, lines 1-12);

receiving the information required to populate the one or more local records associated with the metadata in response to the querying of the server (i.e. The method and system according to the present invention provides users with opportunities to search, listen, manage, and purchase their favorite music in the environment provided by the present invention. Examples of the types of users that may interact with the present invention include customers, ad scheduling operations personnel, and program or music scheduling operations personnel, col. 2, lines 53-59, See Figs. 6, 7, 12, 15, 18);

populating the one or more records after receiving the information required to populate the one or more local records, thereby effectively providing one or more populated records based on the metadata associated with the one or more remote records (*i.e. There are many different ways that a user can search for and find music to populate a playlist according to the present invention. For example, a user may add to a playlist a song that is currently being streamed out to the user. To begin, a user clicks on an icon in order to create new playlist or select an existing one. A window appears at the user interface prompting the user to name the playlist. The user's selection is turned into a playlist ID and entered into a data entry for the user or, if it already exists, retrieved from the data entry. The user then clicks on another icon to select the song that is currently playing and the server adds the audio ID for the song to the selected playlist*, col. 7, lines 1-12, See Figs. 6, 7, 12, 15, 18); and

subsequently retrieving digital media associated with at least one of the populated records (*i.e. There are many different ways that a user can search for and find music to populate a playlist according to the present invention. For example, a user may add to a playlist a song that is currently being streamed out to the user. To begin, a user clicks on an icon in order to create new playlist or select an existing one. A window appears at the user interface prompting the user to name the playlist. The user's selection is turned into a playlist ID and entered into a data entry for the user or, if it already exists, retrieved from the data entry. The user then clicks on another icon to select the song that is*

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currently playing and the server adds the audio ID for the song to the selected playlist, col. 7, lines 1-12, See Figs. 6, 7, 12, 15, 18).

As per claim 30, Drosset teaches a computing system for retrieving digital media, wherein said computing system comprises:

a processing unit (*Figs. 1, 19*) configured to provide at least:

means for querying a server for database enumeration (*i.e. the table includes a Play Count indicating the number of times that the audio file has been played out to a user, a Play-out Time value that indicates the duration of time that the audio file has been played out, an alphanumeric Owner ID to identify the owner of the audio file, col. 4, lines 32-44; User ID, Audio ID value Audio ID1, See Figs. 6, 7, 12, 15, 18*);

means for receiving a response to the data enumeration query that includes at least information about at least one digital media database, wherein the information about the at least one digital media database includes at least metadata effectively represents the one or more remote records as a first representation (*i.e. Alternatively, a user can review playlists, such as albums or predetermined mixes of audio tracks, defined by a service provider operating the server or by another user and select songs. The user reviews a playlist presented in a window of the user interface and clicks on an icon for a song in the playlist. In a manner similar to that described above, the song may begin to play-out and the user is prompted to add the song to a playlist. If the user chooses to add the song, then the user is prompted for a playlist name. The*

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system then adds the audio ID for the song to the identified playlist, col. 7, lines 20-30), and wherein the one or more remote records pertain to one or more of digital media, digital media metadata or media collection data (i.e. The present invention is directed toward a subscriber-based service for providing audio files to a client device connected to a server through a network, such as a wide area network. The server has access to user data and audio data files stored in a memory system, such as a database. A user requesting service from the server is validated to ensure that the user is a subscriber. The user may then request streaming or download of audio data files or customized playlists from the server. Metrics for play-out of each audio file, such as duration of play-out or number of play-outs, are maintained for the audio files and used to allocate payment of royalties or license fees to owners of rights in the audio files, such as copyrights or phonograph rights. The user may also maintain and modify customized playlists through the server and send playlists to other users, col. 2, lines 38-52);

means for querying (i.e. User ID, Audio ID value Audio ID1, See Figs. 6, 7, 12, 15, 18) the server for information required to populate one or more local records associated with the metadata after receiving the metadata (i.e. There are many different ways that a user can search for and find music to populate a playlist according to the present invention. For example, a user may add to a playlist a song that is currently being streamed out to the user. To begin, a user clicks on an icon in order to create new playlist or select an existing one. A window appears at the user interface prompting the user to name the playlist. The user's selection is turned into a playlist ID and entered into a data entry for

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the user or, if it already exists, retrieved from the data entry. The user then clicks on another icon to select the song that is currently playing and the server adds the audio ID for the song to the selected playlist, col. 7, lines 1-12, See Figs. 6, 7, 12, 15, 18);

means for receiving the information required to populate the one or more local records associated with the metadata in response to the querying of the server (i.e. The present invention is directed toward a subscriber-based service for providing audio files to a client device connected to a server through a network, such as a wide area network. The server has access to user data and audio data files stored in a memory system, such as a database. A user requesting service from the server is validated to ensure that the user is a subscriber. The user may then request streaming or download of audio data files or customized playlists from the server. Metrics for play-out of each audio file, such as duration of play-out or number of play-outs, are maintained for the audio files and used to allocate payment of royalties or license fees to owners of rights in the audio files, such as copyrights or phonograph rights. The user may also maintain and modify customized playlists through the server and send playlists to other users, col. 2, lines 38-52);

means for populating one or more local records after receiving the information required to populate the one or more local records, thereby effectively providing one or more populated records based on the metadata associated with the one or more remote records (i.e. The method and system according to the present invention provides users with opportunities to search,

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listen, manage, and purchase their favorite music in the environment provided by the present invention. Examples of the types of users that may interact with the present invention include customers, ad scheduling operations personnel, and program or music scheduling operations personnel, col. 2, lines 53-59, See Figs. 6, 7, 12, 15, 18); and

means for subsequently retrieving digital media associated with at least one of the populated records (i.e. There are many different ways that a user can search for and find music to populate a playlist according to the present invention. For example, a user may add to a playlist a song that is currently being streamed out to the user. To begin, a user clicks on an icon in order to create new playlist or select an existing one. A window appears at the user interface prompting the user to name the playlist. The user's selection is turned into a playlist ID and entered into a data entry for the user or, if it already exists, retrieved from the data entry. The user then clicks on another icon to select the song that is currently playing and the server adds the audio ID for the song to the selected playlist, col. 7, lines 1-12, See Figs. 6, 7, 12, 15, 18).

As per claim 31, Drosset teaches a server for providing digital media to one or more devices, wherein said server is capable of:

a processor unit (Figs. 1, 19) configured to provide at least:

means for receiving a query (i.e. User ID, Audio ID value Audio ID1, See Figs. 6, 7, 12, 15, 18) from a device for database enumeration (i.e. the table includes a Play Count indicating the number of times that the audio file has been

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played out to a user, a Play-out Time value that indicates the duration of time that the audio file has been played out, an alphanumeric Owner ID to identify the owner of the audio file, col. 4, lines 32-44; User ID, Audio ID value Audio ID1, See Figs. 6, 7, 12, 15, 18);

means for sending the features of the server to the device in response to the query, the features including enumeration data about at least one digital media database, wherein the information about the at least one digital media database includes at least metadata about one or more records within the at least one digital media database (*i.e. Alternatively, a user can review playlists, such as albums or predetermined mixes of audio tracks, defined by a service provider operating the server or by another user and select songs. The user reviews a playlist presented in a window of the user interface and clicks on an icon for a song in the playlist. In a manner similar to that described above, the song may begin to play-out and the user is prompted to add the song to a playlist. If the user chooses to add the song, then the user is prompted for a playlist name. The system then adds the audio ID for the song to the identified playlist, col. 7, lines 20-30*), wherein the metadata can be used by the device to locally present one or more local the records at the device as a first local presentation of at least a portion of the at least one digital media database, and wherein the records pertain to one or more of digital media, digital media metadata or media collection data (*i.e. The present invention is directed toward a subscriber-based service for providing audio files to a client device connected to a server through a network, such as a wide area network. The server has access*

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to user data and audio data files stored in a memory system, such as a database. A user requesting service from the server is validated to ensure that the user is a subscriber. The user may then request streaming or download of audio data files or customized playlists from the server. Metrics for play-out of each audio file, such as duration of play-out or number of play-outs, are maintained for the audio files and used to allocate payment of royalties or license fees to owners of rights in the audio files, such as copyrights or phonograph rights. The user may also maintain and modify customized playlists through the server and send playlists to other users, col. 2, lines 38-52);

means for receiving a querying (i.e. User ID, Audio ID value Audio ID1, See Figs. 6, 7, 12, 15, 18) from the device for information required by the device to populate the one or more local records associated with the first local presentation (i.e. There are many different ways that a user can search for and find music to populate a playlist according to the present invention. For example, a user may add to a playlist a song that is currently being streamed out to the user. To begin, a user clicks on an icon in order to create new playlist or select an existing one. A window appears at the user interface prompting the user to name the playlist. The user's selection is turned into a playlist ID and entered into a data entry for the user or, if it already exists, retrieved from the data entry. The user then clicks on another icon to select the song that is currently playing and the server adds the audio ID for the song to the selected playlist, col. 7, lines 1-12, See Figs. 6, 7, 12, 15, 18);

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means for sending the device information required to populate the one or more local records associated with the first local presentation (*i.e. Likewise, a user can click on an icon for a song that is offered through a feature window presented at the user interface. The song may begin to play-out and the user is prompted to add the song to a playlist. If the user chooses to add the song, then the user is prompted for a playlist name. The system then adds the audio ID for the song to the identified playlist, col. 7, lines 12-20*), thereby allowing the device to populate the one or more local records after receiving the information required to populate the one or more local records in order to present the one or more local records as one or more populated records (*i.e. The present invention is directed toward a subscriber-based service for providing audio files to a client device connected to a server through a network, such as a wide area network. The server has access to user data and audio data files stored in a memory system, such as a database. A user requesting service from the server is validated to ensure that the user is a subscriber. The user may then request streaming or download of audio data files or customized playlists from the server. Metrics for play-out of each audio file, such as duration of play-out or number of play-outs, are maintained for the audio files and used to allocate payment of royalties or license fees to owners of rights in the audio files, such as copyrights or phonograph rights. The user may also maintain and modify customized playlists through the server and send playlists to other users, col. 2, lines 38-52*);

means for receiving a subsequent query from the device regarding at least one of the one or more populated records (*i.e. The method and system according*

to the present invention provides users with opportunities to search, listen, manage, and purchase their favorite music in the environment provided by the present invention. Examples of the types of users that may interact with the present invention include customers, ad scheduling operations personnel, and program or music scheduling operations personnel, col. 2, lines 53-59, See Figs. 6, 7, 12, 15, 18); and

means for sending digital media associated with the at least one populated record after receiving the second query from the device (i.e. There are many different ways that a user can search for and find music to populate a playlist according to the present invention. For example, a user may add to a playlist a song that is currently being streamed out to the user. To begin, a user clicks on an icon in order to create new playlist or select an existing one. A window appears at the user interface prompting the user to name the playlist. The user's selection is turned into a playlist ID and entered into a data entry for the user or, if it already exists, retrieved from the data entry. The user then clicks on another icon to select the song that is currently playing and the server adds the audio ID for the song to the selected playlist, col. 7, lines 1-12, See Figs. 6, 7, 12, 15, 18).

As per claim 41, Drosset teaches a computer readable storage medium including at least executable computer program code tangibly stored thereon for providing digital media to one or more devices, wherein said computer readable storage medium comprises:

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computer program code for receiving a query (*i.e.* User ID, Audio ID value Audio ID1, See Figs. 6, 7, 12, 15, 18) from a device for database enumeration (*i.e.* the table includes a Play Count indicating the number of times that the audio file has been played out to a user, a Play-out Time value that indicates the duration of time that the audio file has been played out, an alphanumeric Owner ID to identify the owner of the audio file, col. 4, lines 32-44; User ID, Audio ID value Audio ID1, See Figs. 6, 7, 12, 15, 18);

computer program code for sending the features of the server to the device in response to the query, the features including enumeration data about at least one digital media database, wherein the information about the at least one digital media database includes at least metadata about one or more records within the at least one digital media database (*i.e.* Alternatively, a user can review playlists, such as albums or predetermined mixes of audio tracks, defined by a service provider operating the server or by another user and select songs. The user reviews a playlist presented in a window of the user interface and clicks on an icon for a song in the playlist. In a manner similar to that described above, the song may begin to play-out and the user is prompted to add the song to a playlist. If the user chooses to add the song, then the user is prompted for a playlist name. The system then adds the audio ID for the song to the identified playlist, col. 7, lines 20-30), wherein the metadata can be used by the device to locally present one or more local the records at the device as a first local presentation of at least a portion of the at least one digital media database, and wherein the records pertain to one or more of digital media, digital media

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metadata or media collection data (*i.e. The present invention is directed toward a subscriber-based service for providing audio files to a client device connected to a server through a network, such as a wide area network. The server has access to user data and audio data files stored in a memory system, such as a database. A user requesting service from the server is validated to ensure that the user is a subscriber. The user may then request streaming or download of audio data files or customized playlists from the server. Metrics for play-out of each audio file, such as duration of play-out or number of play-outs, are maintained for the audio files and used to allocate payment of royalties or license fees to owners of rights in the audio files, such as copyrights or phonograph rights. The user may also maintain and modify customized playlists through the server and send playlists to other users, col. 2, lines 38-52*);

computer program code for receiving a querying (*i.e. User ID, Audio ID value Audio ID1, See Figs. 6, 7, 12, 15, 18*) from the device for information required by the device to populate the one or more local records associated with the first local presentation (*i.e. There are many different ways that a user can search for and find music to populate a playlist according to the present invention. For example, a user may add to a playlist a song that is currently being streamed out to the user. To begin, a user clicks on an icon in order to create new playlist or select an existing one. A window appears at the user interface prompting the user to name the playlist. The user's selection is turned into a playlist ID and entered into a data entry for the user or, if it already exists, retrieved from the data entry. The user then clicks on another icon to select the*

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song that is currently playing and the server adds the audio ID for the song to the selected playlist, col. 7, lines 1-12, See Figs. 6, 7, 12, 15, 18);

computer program code for sending the device information required to populate the one or more local records associated with the first local presentation (i.e. Likewise, a user can click on an icon for a song that is offered through a feature window presented at the user interface. The song may begin to play-out and the user is prompted to add the song to a playlist. If the user chooses to add the song, then the user is prompted for a playlist name. The system then adds the audio ID for the song to the identified playlist, col. 7, lines 12-20), thereby allowing the device to populate the one or more local records after receiving the information required to populate the one or more local records in order to present the one or more local records as one or more populated records (i.e. The present invention is directed toward a subscriber-based service for providing audio files to a client device connected to a server through a network, such as a wide area network. The server has access to user data and audio data files stored in a memory system, such as a database. A user requesting service from the server is validated to ensure that the user is a subscriber. The user may then request streaming or download of audio data files or customized playlists from the server. Metrics for play-out of each audio file, such as duration of play-out or number of play-outs, are maintained for the audio files and used to allocate payment of royalties or license fees to owners of rights in the audio files, such as copyrights or phonograph rights. The user may also maintain and modify customized playlists through the server and send playlists to other users, col. 2, lines 38-52);

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computer program code for receiving a subsequent query from the device regarding at least one of the one or more populated records (*i.e. The method and system according to the present invention provides users with opportunities to search, listen, manage, and purchase their favorite music in the environment provided by the present invention. Examples of the types of users that may interact with the present invention include customers, ad scheduling operations personnel, and program or music scheduling operations personnel, col. 2, lines 53-59, See Figs. 6, 7, 12, 15, 18*); and

computer program code for sending digital media associated with the at least one populated record after receiving the second query from the device (*i.e. There are many different ways that a user can search for and find music to populate a playlist according to the present invention. For example, a user may add to a playlist a song that is currently being streamed out to the user. To begin, a user clicks on an icon in order to create new playlist or select an existing one. A window appears at the user interface prompting the user to name the playlist. The user's selection is turned into a playlist ID and entered into a data entry for the user or, if it already exists, retrieved from the data entry. The user then clicks on another icon to select the song that is currently playing and the server adds the audio ID for the song to the selected playlist, col. 7, lines 1-12, See Figs. 6, 7, 12, 15, 18*).

As per claim 42, Drosset teaches a computing device comprising:
a processor (*Figs. 1, 19*);

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memory, operably connected with the processor (*Figs. 1, 19*);
wherein the processor is operable to perform instructions including
connecting to a server (*Figs. 1, 19*), the server including media
information (*i.e. the table includes a Play Count indicating the number of times
that the audio file has been played out to a user, a Play-out Time value that
indicates the duration of time that the audio file has been played out, an
alphanumeric Owner ID to identify the owner of the audio file, col. 4, lines 32-44;
User ID, Audio ID value Audio ID1, See Figs. 6, 7, 12, 15, 18*);

querying the server for at least a portion of the media information
(*i.e. the table includes a Play Count indicating the number of times that the audio
file has been played out to a user, a Play-out Time value that indicates the
duration of time that the audio file has been played out, an alphanumeric Owner
ID to identify the owner of the audio file, col. 4, lines 32-44; User ID, Audio ID
value Audio ID1, See Figs. 6, 7, 12, 15, 18*);

receiving media information responsive to the query (*i.e. the table
includes a Play Count indicating the number of times that the audio file has been
played out to a user, a Play-out Time value that indicates the duration of time that
the audio file has been played out, an alphanumeric Owner ID to identify the
owner of the audio file, col. 4, lines 32-44; User ID, Audio ID value Audio ID1,
See Figs. 6, 7, 12, 15, 18*);

requesting at least one media item associated with the media
information responsive to the query (*User ID, Audio ID value Audio ID1, See
Figs. 6, 7, 12, 15, 18*); and

receiving the media item (*i.e. User ID, Audio ID value Audio ID1, See Figs. 6, 7, 12, 15, 18*),

wherein said querying includes a plurality of distinct queries (*i.e. the table includes a Play Count indicating the number of times that the audio file has been played out to a user, a Play-out Time value that indicates the duration of time that the audio file has been played out, an alphanumeric Owner ID to identify the owner of the audio file, col. 4, lines 32-44; User ID, Audio ID value Audio ID1, See Figs. 6, 7, 12, 15, 18*) to the server, and wherein said querying includes at least:

querying the server for database enumeration (*i.e. User ID, Audio ID value Audio ID1, See Figs. 6, 7, 12, 15, 18*); and

wherein said receiving of the media information includes a plurality of distinct responses to the queries (*i.e. User ID, Audio ID value Audio ID1, See Figs. 6, 7, 12, 15, 18*), and wherein said receiving includes at least:

receiving a response to the database enumeration query that includes descriptive information on at least one database (*i.e. Alternatively, a user can review playlists, such as albums or predetermined mixes of audio tracks, defined by a service provider operating the server or by another user and select songs. The user reviews a playlist presented in a window of the user interface and clicks on an icon for a song in the playlist. In a manner similar to that described above, the song may begin to play-out and the user is prompted to add the song to a playlist. If the user chooses to add the song, then the user is prompted for a playlist name. The system then adds the audio ID for the song to*

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the identified playlist, col. 7, lines 20-30), the descriptive information including how much media is available from the at least one database or how many media collections are available from the at least one database or both (i.e. The present invention is directed toward a subscriber-based service for providing audio files to a client device connected to a server through a network, such as a wide area network. The server has access to user data and audio data files stored in a memory system, such as a database. A user requesting service from the server is validated to ensure that the user is a subscriber. The user may then request streaming or download of audio data files or customized playlists from the server. Metrics for play-out of each audio file, such as duration of play-out or number of play-outs, are maintained for the audio files and used to allocate payment of royalties or license fees to owners of rights in the audio files, such as copyrights or phonograph rights. The user may also maintain and modify customized playlists through the server and send playlists to other users, col. 2, lines 38-52).

As per claim 2, 33, Drosset teaches the remote records pertain to both digital media metadata and media collections and multiple queries are required to populate the local records associated with the metadata (*i.e. There are many different ways that a user can search for and find music to populate a playlist according to the present invention. For example, a user may add to a playlist a song that is currently being streamed out to the user. To begin, a user clicks on an icon in order to create new playlist or select an existing one. A window appears at the user interface prompting the user to name the playlist. The user's*

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selection is turned into a playlist ID and entered into a data entry for the user or, if it already exists, retrieved from the data entry. The user then clicks on another icon to select the song that is currently playing and the server adds the audio ID for the song to the selected playlist, col. 7, lines 1-12).

As per claim 3, Drosset teaches the method of claim 1 further comprising using a local database management system to manage the information contained in the local records, the local records including media collection data records and digital media metadata records (*i.e. There are many different ways that a user can search for and find music to populate a playlist according to the present invention. For example, a user may add to a playlist a song that is currently being streamed out to the user. To begin, a user clicks on an icon in order to create new playlist or select an existing one. A window appears at the user interface prompting the user to name the playlist. The user's selection is turned into a playlist ID and entered into a data entry for the user or, if it already exists, retrieved from the data entry. The user then clicks on another icon to select the song that is currently playing and the server adds the audio ID for the song to the selected playlist, col. 7, lines 1-12).*

As per claim 4, Drosset teaches the method of claim 1, wherein the server is a remote device accessible across network, and wherein said method further comprises:

querying the server for media collection enumeration with respect to the at least one digital media database (*i.e. the table includes a Play Count indicating the number of times that the audio file has been played out to a user, a Play-out Time value that indicates the duration of time that the audio file has been played out, an alphanumeric Owner ID to identify the owner of the audio file, col. 4, lines 32-44; User ID, Audio ID value Audio ID1, See Figs. 6, 7, 12, 15, 18*); and

receiving a response to the media collection enumeration query that includes at least information about one or more media collections (*i.e. Alternatively, a user can review playlists, such as albums or predetermined mixes of audio tracks, defined by a service provider operating the server or by another user and select songs. The user reviews a playlist presented in a window of the user interface and clicks on an icon for a song in the playlist. In a manner similar to that described above, the song may begin to play-out and the user is prompted to add the song to a playlist. If the user chooses to add the song, then the user is prompted for a playlist name. The system then adds the audio ID for the song to the identified playlist, col. 7, lines 20-30*).

As per claim 5, Drosset teaches the method of claim 1 wherein said retrieving of the digital media comprises:

requesting media from across a network (*i.e. For each Audio File Table, the table includes a Play Count indicating the number of times that the audio file has been played out to a user, a Play-out Time value that indicates the duration of time that the audio file has been played out, an alphanumeric Owner ID to*

identify the owner of the audio file, a Referral Link containing a universal resource locator (URL) indicating a sales site for the audio file, and a Referral Count value indicating the number of times that a user has been referred to the sales site of the referral link. Further information regarding URLs is available through the IETF at <www.ietf.org>, col. 4, lines 32-44); and

receiving the requested media across the network (i.e. For each Audio File Table, the table includes a Play Count indicating the number of times that the audio file has been played out to a user, a Play-out Time value that indicates the duration of time that the audio file has been played out, an alphanumeric Owner ID to identify the owner of the audio file, a Referral Link containing a universal resource locator (URL) indicating a sales site for the audio file, and a Referral Count value indicating the number of times that a user has been referred to the sales site of the referral link. Further information regarding URLs is available through the IETF at <www.ietf.org>, col. 4, lines 32-44).

As per claim 6, Drosset teaches the method of claim 5 further comprising presenting the received media at a client device, wherein presenting the received media includes playing the media for a user (*i.e. Likewise, a user can click on an icon for a song that is offered through a feature window presented at the user interface. The song may begin to play-out and the user is prompted to add the song to a playlist. If the user chooses to add the song, then the user is prompted for a playlist name. The system then adds the audio ID for the song to the identified playlist, col. 7, lines 12-20).*

As per claim 23, Drosset teaches the method as recited in claim 1, wherein the one or more populated records effectively provide a representation of the one or more remote records (*i.e. Alternatively, a user can review playlists, such as albums or predetermined mixes of audio tracks, defined by a service provider operating the server or by another user and select songs. The user reviews a playlist presented in a window of the user interface and clicks on an icon for a song in the playlist. In a manner similar to that described above, the song may begin to play-out and the user is prompted to add the song to a playlist. If the user chooses to add the song, then the user is prompted for a playlist name. The system then adds the audio ID for the song to the identified playlist, col. 7, lines 20-30*).

As to claims 24, 34, 35, Drosset teaches:

using the metadata to effectively provide a first representation of the one or more remote records (*i.e. Alternatively, a user can review playlists, such as albums or predetermined mixes of audio tracks, defined by a service provider operating the server or by another user and select songs. The user reviews a playlist presented in a window of the user interface and clicks on an icon for a song in the playlist. In a manner similar to that described above, the song may begin to play-out and the user is prompted to add the song to a playlist. If the user chooses to add the song, then the user is prompted for a playlist name. The system then adds the audio ID for the song to the identified playlist, col. 7, lines 20-30*); and

using the one or more populated records to effectively provide a second representation of the one or more remote records (*i.e. There are many different ways that a user can search for and find music to populate a playlist according to the present invention. For example, a user may add to a playlist a song that is currently being streamed out to the user. To begin, a user clicks on an icon in order to create new playlist or select an existing one. A window appears at the user interface prompting the user to name the playlist. The user's selection is turned into a playlist ID and entered into a data entry for the user or, if it already exists, retrieved from the data entry. The user then clicks on another icon to select the song that is currently playing and the server adds the audio ID for the song to the selected playlist, col. 7, lines 1-12*).

As to claims 25, 36, Drosset teaches the first representation provides a first level of detail with respect to the one or more remote records (*i.e. Alternatively, a user can review playlists, such as albums or predetermined mixes of audio tracks, defined by a service provider operating the server or by another user and select songs. The user reviews a playlist presented in a window of the user interface and clicks on an icon for a song in the playlist. In a manner similar to that described above, the song may begin to play-out and the user is prompted to add the song to a playlist. If the user chooses to add the song, then the user is prompted for a playlist name. The system then adds the audio ID for the song to the identified playlist, col. 7, lines 20-30*); and

wherein the second representation provides a second level of detail with respect to the one or more remote records (*i.e. Alternatively, a user can review playlists, such as albums or predetermined mixes of audio tracks, defined by a service provider operating the server or by another user and select songs. The user reviews a playlist presented in a window of the user interface and clicks on an icon for a song in the playlist. In a manner similar to that described above, the song may begin to play-out and the user is prompted to add the song to a playlist. If the user chooses to add the song, then the user is prompted for a playlist name. The system then adds the audio ID for the song to the identified playlist, col. 7, lines 20-30*).

As to claims 26, 37, Drosset teaches the second level of detail represents the one or more records in greater detail than the first level of detail (*i.e. Alternatively, a user can review playlists, such as albums or predetermined mixes of audio tracks, defined by a service provider operating the server or by another user and select songs. The user reviews a playlist presented in a window of the user interface and clicks on an icon for a song in the playlist. In a manner similar to that described above, the song may begin to play-out and the user is prompted to add the song to a playlist. If the user chooses to add the song, then the user is prompted for a playlist name. The system then adds the audio ID for the song to the identified playlist, col. 7, lines 20-30*).

As to claims 27, 38, Drosset teaches the first representation represents the one or more remote records in accordance with a first aspect of representation (*i.e. Alternatively, a user can review playlists, such as albums or predetermined mixes of audio tracks, defined by a service provider operating the server or by another user and select songs. The user reviews a playlist presented in a window of the user interface and clicks on an icon for a song in the playlist. In a manner similar to that described above, the song may begin to play-out and the user is prompted to add the song to a playlist. If the user chooses to add the song, then the user is prompted for a playlist name. The system then adds the audio ID for the song to the identified playlist, col. 7, lines 20-30*); and

wherein the second representation represents the one or more remote records in accordance with a second aspect of representation that is different than the first aspect of representation (*i.e. Alternatively, a user can review playlists, such as albums or predetermined mixes of audio tracks, defined by a service provider operating the server or by another user and select songs. The user reviews a playlist presented in a window of the user interface and clicks on an icon for a song in the playlist. In a manner similar to that described above, the song may begin to play-out and the user is prompted to add the song to a playlist. If the user chooses to add the song, then the user is prompted for a playlist name. The system then adds the audio ID for the song to the identified playlist, col. 7, lines 20-30*).

As to claims 28, 39, Drosset teaches:

querying the server for information required to provide a third representation of the one or more records (*i.e. Alternatively, a user can review playlists, such as albums or predetermined mixes of audio tracks, defined by a service provider operating the server or by another user and select songs. The user reviews a playlist presented in a window of the user interface and clicks on an icon for a song in the playlist. In a manner similar to that described above, the song may begin to play-out and the user is prompted to add the song to a playlist. If the user chooses to add the song, then the user is prompted for a playlist name. The system then adds the audio ID for the song to the identified playlist, col. 7, lines 20-30*).

As to claims 29, 40, Drosset teaches:

querying the server for information required to further populate the at least one record in order to effectively provide a third representation of the one more remote records (*i.e. There are many different ways that a user can search for and find music to populate a playlist according to the present invention. For example, a user may add to a playlist a song that is currently being streamed out to the user. To begin, a user clicks on an icon in order to create new playlist or select an existing one. A window appears at the user interface prompting the user to name the playlist. The user's selection is turned into a playlist ID and entered into a data entry for the user or, if it already exists, retrieved from the data entry. The user then clicks on another icon to select the song that is*

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currently playing and the server adds the audio ID for the song to the selected playlist, col. 7, lines 1-12).

As per claim 43, Drosset teaches the computing device of claim 42, wherein said querying includes at least:

querying the server for media collection enumeration (i.e. the table includes a Play Count indicating the number of times that the audio file has been played out to a user, a Play-out Time value that indicates the duration of time that the audio file has been played out, an alphanumeric Owner ID to identify the owner of the audio file, col. 4, lines 32-44; User ID, Audio ID value Audio ID1, See Figs. 6, 7, 12, 15, 18), and

wherein said receiving includes at least:

receiving a response to the media collection enumeration query that includes descriptive information on at least one media collection available from the at least one database (i.e. The present invention is directed toward a subscriber-based service for providing audio files to a client device connected to a server through a network, such as a wide area network. The server has access to user data and audio data files stored in a memory system, such as a database. A user requesting service from the server is validated to ensure that the user is a subscriber. The user may then request streaming or download of audio data files or customized playlists from the server. Metrics for play-out of each audio file, such as duration of play-out or number of play-outs, are maintained for the audio files and used to allocate payment of royalties or license

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fees to owners of rights in the audio files, such as copyrights or phonograph rights. The user may also maintain and modify customized playlists through the server and send playlists to other users, col. 2, lines 38-52).

As per claim 44, Drosset teaches the computing device of claim 42, wherein said querying includes at least:

querying the server for server capabilities(*i.e. User ID, Audio ID value Audio ID1, See Figs. 6, 7, 12, 15, 18*), and

wherein said receiving includes at least:

receiving a response to the server capabilities query that describes the server capabilities (*i.e. The present invention is directed toward a subscriber-based service for providing audio files to a client device connected to a server through a network, such as a wide area network. The server has access to user data and audio data files stored in a memory system, such as a database. A user requesting service from the server is validated to ensure that the user is a subscriber. The user may then request streaming or download of audio data files or customized playlists from the server. Metrics for play-out of each audio file, such as duration of play-out or number of play-outs, are maintained for the audio files and used to allocate payment of royalties or license fees to owners of rights in the audio files, such as copyrights or phonograph rights. The user may also maintain and modify customized playlists through the server and send playlists to other users, col. 2, lines 38-52).*

As per claim 45, Drosset teaches the computing device of claim 42, wherein querying the server for at least a portion of the media information includes at least a request for an enumeration of at least a portion of the media collections (*i.e. the table includes a Play Count indicating the number of times that the audio file has been played out to a user, a Play-out Time value that indicates the duration of time that the audio file has been played out, an alphanumeric Owner ID to identify the owner of the audio file, col. 4, lines 32-44; User ID, Audio ID value Audio ID1, See Figs. 6, 7, 12, 15, 18).*

Response to Arguments

Applicant's arguments with respect to claims 1-6, 23-45 have been considered but are moot in view of the new ground(s) of rejection.

Conclusion

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Miranda Le whose telephone number is (571) 272-4112. The examiner can normally be reached on Monday through Friday from 10:00 AM to 6:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James K. Trujillo, can be reached at (571) 272-3677. The fax number to this Art Unit is (571)-273-8300.

Any inquiry of a general nature or relating to the status of this application should be directed to the Group receptionist whose telephone number is (571) 272-2100.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public

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/Miranda Le/

Primary Examiner, Art Unit 2159